

**TWENTY-FOURTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 31, 2007**

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused -- Block, Nielsen, Roberts. Total -- 3.
Total -- 70.

Prayer was offered by Representative Hart.

The Pledge of Allegiance was led by Jacob Lambert, Page.

Approval of Journal

January 31, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-third Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

January 30, 2007

Mr. Speaker:

I transmit herewith **SCR 101** and **SCR 102** which have passed the Senate.

WOOD, Secretary

SCR 101 and **SCR 102** were filed for first reading.

Report of Standing Committees

January 31, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 8**, **H 66**, **H 67**, **H 68**, **H 69**, **H 70**, **H 71**, **H 72**, **H 73**, **H 74**, and **H 75**.

CLARK, Chairman

H 66 was referred to the Transportation and Defense Committee.

H 67 was held at the Desk.

H 68, **H 69**, **H 70**, and **H 74** were referred to the Revenue and Taxation Committee.

H 72 was referred to the Education Committee.

H 73 was referred to the Judiciary, Rules, and Administration

Committee.

H 75 was referred to the State Affairs Committee.

HCR 8 and **H 71** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

SCR 101 and **SCR 102**, by Education Committee, were introduced, read the first time by title, and referred to the Education Committee.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 76
BY LOCAL GOVERNMENT COMMITTEE
AN ACT**

RELATING TO SITING OF MANUFACTURED HOMES IN RESIDENTIAL AREAS; AMENDING SECTION 67-6509A, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE GRADE REQUIREMENT WHEN THE HOME IS PLACED ON A BASEMENT FOUNDATION.

**HOUSE BILL NO. 77
BY APPROPRIATIONS COMMITTEE
AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE FOR FISCAL YEAR 2007; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 78
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT**

RELATING TO THE POTATO COMMISSION; AMENDING SECTION 22-1211, IDAHO CODE, TO REVISE TAX PROVISIONS RELATING TO POTATOES AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 79
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO THE NEW CONSTRUCTION ROLL FOR REAL PROPERTY; AMENDING SECTION 63-301A, IDAHO CODE, TO PROVIDE THAT THE NEW CONSTRUCTION ROLL SHALL NOT INCLUDE NEW CONSTRUCTION LOCATED WITHIN A REVENUE ALLOCATION AREA AND TO PROVIDE THAT NEW CONSTRUCTION MAY BE INCLUDED UPON TERMINATION OF THE REVENUE ALLOCATION AREA; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 80
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO INCOME TAXES; REPEALING SECTION 63-3024A, IDAHO CODE, RELATING TO THE GROCERY TAX CREDIT; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3024A, IDAHO CODE, TO PROVIDE FOR INCOME TAX CREDITS OR REFUNDS TO CERTAIN RESIDENT INDIVIDUALS WITH A TAXABLE INCOME OF TWENTY-SIX THOUSAND DOLLARS OR LESS OR TO CERTAIN RESIDENT INDIVIDUALS OVER SIXTY-FIVE YEARS OLD, TO PROVIDE PROCEDURES, A METHOD OF PAYMENT AND A STATUTE OF LIMITATIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 81
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO A FOOD TAX INCOME TAX CREDIT; AMENDING SECTION 63-3024A, IDAHO CODE, TO INCREASE THE AMOUNT OF THE CREDIT AGAINST INCOME TAXES TO OFFSET THE SALES TAX ON THE SALES OF FOOD, TO PROVIDE WHEN THE CREDIT SHALL NOT BE GRANTED, TO PROVIDE PROCEDURES, TO ALLOW MONEYS TO BE REMITTED TO THE COOPERATIVE WELFARE FUND, TO REVISE WHEN AN APPLICATION FOR REFUND MUST BE FILED AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 82
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO THE TAXATION OF FOOD SOLD FOR HUMAN CONSUMPTION; AMENDING SECTION 63-3619, IDAHO CODE, TO REDUCE THE RATE OF THE SALES TAX ON CERTAIN FOOD SOLD FOR HUMAN CONSUMPTION OVER A THREE YEAR PERIOD AND TO PROVIDE RULES; AMENDING SECTION 63-3621, IDAHO CODE, TO REDUCE THE RATE OF THE USE TAX ON CERTAIN FOOD SOLD FOR HUMAN CONSUMPTION OVER A THREE YEAR PERIOD; AMENDING SECTION 63-3024A, IDAHO CODE, TO DECREASE THE INCOME TAX CREDIT KNOWN AS THE GROCERY TAX CREDIT OVER A THREE YEAR PERIOD; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE THE PERCENTAGE OF APPROPRIATED FUNDS DISTRIBUTED TO THE REVENUE SHARING ACCOUNT; AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-822, IDAHO CODE, TO CREATE THE GROCERY TAX ELIMINATION FUND, TO PROVIDE FOR MONEYS FOR THE FUND UPON CERTAIN CONDITIONS OCCURRING AND TO PROVIDE FOR USE OF MONEYS IN THE FUND; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE DATES.

HOUSE BILL NO. 83
BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO TAXATION; REPEALING SECTION 63-3024A, IDAHO CODE, RELATING TO THE GROCERY TAX CREDIT; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622UU, IDAHO CODE, TO EXEMPT FOOD FOR HUMAN CONSUMPTION FROM THE SALES AND USE TAX, WITH EXCEPTIONS; AMENDING SECTION 63-3619, IDAHO CODE, TO REDUCE THE RATE OF THE SALES TAX ON THE SALES OF FOOD AND FOOD INGREDIENTS; AMENDING SECTION 63-3621, IDAHO CODE, TO REDUCE THE RATE OF THE USE TAX ON THE SALES OF FOOD AND FOOD INGREDIENTS; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE THE REVENUE SHARING DISTRIBUTION; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE DATES.

HOUSE BILL NO. 84
BY EDUCATION COMMITTEE
AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2104, IDAHO CODE, TO PROVIDE FOR AN ELECTION TO BE HELD ON A DATE AS DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS, TO PROVIDE FOR CONDUCTING ELECTIONS AS REQUIRED IN CHAPTER 14, TITLE 34, IDAHO CODE, FOR ELECTIONS HELD IN AN EVEN-NUMBERED YEAR ON THE TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER, TO PROVIDE THAT A COMMUNITY COLLEGE DISTRICT SHALL BE ESTABLISHED IF SIXTY PERCENT OR MORE OF ALL VOTES CAST ARE IN THE AFFIRMATIVE FOR ELECTIONS HELD IN AN EVEN-NUMBERED YEAR ON THE TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2106, IDAHO CODE, TO PROVIDE LIMITATIONS ON DATES FOR ELECTIONS OF TRUSTEES, TO PROVIDE FOR CONDUCTING ELECTIONS AS PRESCRIBED IN CHAPTER 14, TITLE 34, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 34-106, IDAHO CODE, TO CLARIFY THE EXEMPTION FROM LIMITATION UPON ELECTIONS FOR ELECTIONS CONDUCTED ON THE QUESTION OF FORMATION OF A COMMUNITY COLLEGE DISTRICT AND TO MAKE TECHNICAL CORRECTIONS.

H 76, H 77, H 78, H 79, H 80, H 81, H 82, H 83, and H 84 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 18 and H 23, by Judiciary, Rules, and Administration

Committee, were read the second time by title and filed for third reading.

H 24, H 25, H 26, and H 27, by Resources and Conservation Committee, were read the second time by title and filed for third reading.

H 61, by State Affairs Committee, was read the second time by title and filed for third reading.

S 1034 and S 1035, by Finance Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 30 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **H 30** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Block, Nielsen, Roberts. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 30** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 32 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Anderson to open debate.

The question being, "Shall **H 32** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nonini, Pasley-Stuart, Patrick, Pence,

Raybould, Ring, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Block, Nielsen, Roberts, Wood(35). Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 32** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that **H 7** retain its place on the Third Reading Calendar until Tuesday, February 6, 2007. There being no objection, it was so ordered.

H 35 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hart to open debate.

The question being, "Shall **H 35** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Bock, Bolz, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Mathews, McGeachin, Mortimer, Moyle, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Ruchti, Rusche, Sayler, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 61.

NAYS -- Barrett, Boe, Marriott, Schaefer. Total -- 4.

Absent and excused -- Block, Bradford, Nielsen, Roberts, Wood(35). Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 35** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 36 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. King to open debate.

The question being, "Shall **H 36** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin,

Mortimer, Moyle, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Block, Nielsen, Roberts, Wood(35). Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 36** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 37 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ruchti to open debate.

The question being, "Shall **H 37** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Ruchti, Rusche, Sayler, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Block, Nielsen, Roberts, Schaefer, Wood(35). Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 37** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 38 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Mortimer to open debate.

The question being, "Shall **H 38** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Marriott, Mathews, McGeachin, Mortimer, Moyle, Pasley-Stuart, Patrick, Pence, Raybould,

Ring, Ringo, Ruchti, Rusche, Sayler, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 63.

NAYS -- Luker, Nonini. Total -- 2.

Absent and excused -- Block, Nielsen, Roberts, Schaefer, Wood(35). Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 38** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that **H 42** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11:30 a.m., Thursday, February 1, 2007. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:06 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

PAMM JUKER, Chief Clerk